

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Civil Action No. 05-10917 PBS

THE HIPSAVER COMPANY, INC.,
Plaintiff / Counterclaim Defendant,

v

J.T. POSEY COMPANY,
Defendant / Counterclaim Plaintiff.

**HIPSAVER’S ASSENTED-TO MOTION TO FILE UNDER SEAL
EXHIBITS 5 AND 7 TO HIPSAVER’S MEMORANDUM IN SUPPORT OF ITS
MOTION FOR PARTIAL SUMMARY JUDGMENT FOR LITERALLY
FALSE ADVERTISING UNDER THE LANHAM ACT AND THE
MASSACHUSETTS UNFAIR AND DECEPTIVE BUSINESS
PRACTICES ACT, G.L. CH. 93A**

Pursuant to Local Rule 7.2 and paragraphs 2.4 and 10 of the parties’ Protective Order [D.N. 48], HipSaver moves for an order granting leave to file under seal Exhibits 5 and 7 to HipSaver’s Memorandum in Support of Its Motion for Partial Summary Judgment For Literally False Advertising Under the Lanham Act and the Massachusetts Unfair And Deceptive Practices Act, G.L. Ch. 93A, filed concurrently by hand.

As grounds for the motion, HipSaver states that Exhibit 5 contains Dr. Edward Ebramzadeh’s Expert Report, designated by Defendant J.T. Posey as HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES ONLY; Exhibit 7 contains a sampling of Posey invoices, also designated by Defendant J.T. Posey as HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES ONLY.

CERTIFICATE PURSUANT TO CIVIL LOCAL RULE 7.1

I certify that on December 8, 2006, counsel for the parties conferred by electronic mail and that counsel for J.T. Posey assented to this motion.

THE HIPSAVER COMPANY, INC.
By its Attorneys,

/s/ Courtney M. Quish _____
Lee Carl Bromberg
BBO No.: 058480
Edward J. Dailey
BBO No.: 112220
Courtney M. Quish
BBO No.: 662288
BROMBERG SUNSTEIN, LLP
125 Summer Street - 11th floor
Boston, Massachusetts 02110-1618
617.443.9292
cquish@bromsun.com

Dated: December 11, 2006

CERTIFICATE OF SERVICE

I certify that this document has been filed through the Electronic Case Filing System of the United States District Court for the District of Massachusetts and will be served electronically by the court to the Registered Participants identified in the Notice of Electronic filing.

/s/ Courtney M. Quish _____
December 11, 2006